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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) <b>2003P00601WOUS</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>eFiled</u>  Signature _____  Typed or printed name _____		Application Number <b>10/582,921</b>	Filed <b>04/30/2007</b>
		First Named Inventor <b>M. Yavuz Dedegil et al.</b>	
		Art Unit <b>1776</b>	Examiner <b>Thomas M. Lithgow</b>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
I am the <input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  <input type="checkbox"/> attorney or agent of record. Registration number _____  <input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>62,246</u>		<u>/Andre Pallapies/</u> _____ Signature  <b>Andre Pallapies</b> _____ Typed or printed name  <b>252-672-7927</b> _____ Telephone number  <b>October 28, 2010</b> _____ Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**Statement of Arguments for Pre-Appeal Brief Request for Review**

Claims 8-16 are pending in this application. Claims 13-16 have been allowed.

**The Claimed Invention**

The present invention relates to a dishwashing machine and in particular, features of the dishwashing machine that filter particles from a dishwashing liquid in the dishwashing machine. The dishwashing machine includes a container that holds a predetermined quantity of a liquid mixed with at least one of a foam forming substance and cleaning agents. The container includes an arrangement for producing a flow of a gaseous fluid, such as air, through the predetermined quantity of the liquid so as to generate a foam layer. The foam layer filters out from the dishwashing liquid passed through the foam layer, a substantial fraction of particles entrained with the dishwashing liquid and such filtered-out particles are retained in the foam layer.

In the present invention, the thickness of the foam layer can be varied and is adjustable in height. By metering the foam-forming substance, a foam layer of different thickness can be achieved, which is matched to the respective degree of contamination of the dishwashing fluid. For example, if a very small quantity of the foam-forming substance is added to the container by means of the dosing device, a thin foam layer is formed which can only absorb a small quantity of particles. However, if a larger quantity of the foam-forming substance is added to the container, a thicker foam layer is formed whereby larger particles or a larger number of particles can be filtered out. The requirement for foam-forming substance can be determined by means of a turbidity

sensor, for example, which detects the turbidity of the dishwashing solution, and thus regulates the thickness of the foam layer.

Using the foam to clean the dishwashing liquid is advantageous over features in the related art that are used, such as mechanical filters, for example, comprising a lattice network or a metal film with pores. The operating mode of mechanical filters is substantially determined by the surface condition and the pore size of the filter. Since the size of the pores substantially influences both the filter capacity and the cleanability, a pore size is selected which ensures the filtering of small particles and also a good cleanability. However, with mechanical filters, despite multistage filter devices, it is not possible to filter out fine and superfine particles such as food residue, for example, from the circulating dishwashing fluid. These particles are therefore continuously circulated and are only removed in part from the circulating cycle into the waste water at the end of the washing program, for example, during the clear rinsing.

**The Rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)**

Claims 8-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by any one of Kemper (U.S. Patent No. 6,413,366) or Britz (U.S. Patent Publication No. 2004/0256295) or Dolbear (U.S. Patent No. 1,478,703) or Dolbear (U.S. Patent No. 1,480,884) or DE 10250762 or Tlok (U.S. Patent No. 5,910,248). Applicants respectfully traverse these rejections.

The grounds of rejection state that any of the cited patents disclose a device defining a container having a foam layer forming means and means in the upper portion of the container to guide in a fluid, and that the valve means are inherent or are specifically disclosed. The grounds of rejection specifically refer to Figure 1 of Kemper and a feed suspension at 5 into the foam layer. The grounds of rejection further state that in Figure 4 of Britz, there is an embodiment with feed means 7 into foam layer 12. Further, the grounds of rejection refer to the Dolbear patents which feed through rotary drums into the foam layer. Also, the grounds of rejection state that DE '762 discloses six different embodiments with the feed being sent into the froth layer. Finally, the grounds of rejection state that Tlok discloses a foam layer 8 into which water and particles from influent water feed inlet 2 ultimately engages.

However, Applicants respectfully submit that none of the six (6) cited references refer to a “*predetermined* quantity of a liquid” as recited in independent claims 8 and 13. Without pointing to any disclosure in the references themselves, the grounds of rejection allege in the remarks in the October 15, 2010 Advisory Action that all the references “broadly use a predetermined amount of liquid” to form the foam in their devices. Applicants respectfully disagree that the references teach the predetermination.

In the present invention, as discussed above, the thickness of the foam layer can be varied and is adjustable in height. By metering the foam-forming substance, a foam layer of different thickness can be achieved, which is matched to the respective degree of contamination of the dishwashing fluid. The use of a predetermined quantity of liquid as claimed is a part of this process.

**CONCLUSION**

In view of the above, allowance of claims 8-16 are respectfully requested. If there are any questions regarding the remarks herein, kindly contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.